

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16460 of Washington Community Fellowship, on behalf of Urban Family, Inc., pursuant to 11 DCMR 3108.1 for a special exception under the provisions of Section 206 to continue to operate a private elementary school and increase from 45 students to 90 students and ten staff, on the basement, second and third floors of an existing structure in an R-4 District at premises 907 Maryland Avenue, N.E. (Square 937, Lot 85)

HEARING DATE: May 5, 1999
DECISION DATE: May 5, 1999 (Bench Decision)

SUMMARY ORDER

The Board ordered that this application run concurrently with the approval duration of **five years** for BZA **Application No. 16431** the decision of which was granted on **July 15, 1998**. In essence, the applicant may appear before the Board again in about **four years** since about one year has already been expended on the last order.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, did not submit a written statement of issues and concerns related to the application.

As directed by 11DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 206. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **FIVE YEARS** (to run concurrently with BZA Application No. 16341 of July 15, 1998).
2. The number of students shall not exceed 90. The number of staff shall not exceed 10 paid and eight volunteer employees at any given time.
3. The ages of the children shall be between five and 11 years old.
4. The hours of operation shall be from 8:00 a.m. to 4:00 p.m., Monday through Friday.
5. One on-site parking space shall be available for use by the school during its hours of operation.
6. There shall be no on-site food preparation.
7. Adequate off-site outdoor play space shall be made available for the children. The children shall be escorted to the off-site play area in groups not larger than 45 children with adult supervision.
8. Drop-off and pick-up of the students, under adult supervision, shall occur as identified on Exhibit No. 34, Section D of the record. Parents and/or guardians must approach the school by heading north on 9th Street, N.E. from D Street or other streets south of D Street. Using the alley adjacent to the building to turn around and drop off and pick up students is strictly prohibited.
9. Adequate trash removal shall be provided.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Jerry H. Gilreath, Betty King, Anthony J. Hood, and Sheila Cross Reid to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
SHERI M. PRUITT-WILLIAMS
Interim Director

Final Date of Order: JUN 21 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. 2-38, AS AMENDED, SHALL BE PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OR PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16460

As Director of the Board of Zoning Adjustment, I certify and attest that on
JUN 21 1999 a copy of the decision entered on that date in this matter was
mailed first class, postage prepaid to each party in this case, and who is listed below:

Jeanne J. Wilson
2225 S Street, N.E.
Washington, D.C. 20002

The Chairperson
Advisory Neighborhood Commission 6A
700 Constitution Ave., N.E., Suite 1-515
Washington, D.C. 20008

Attested By: *Sheri M. Pruitt-Williams*
SHERI M. PRUITT-WILLIAMS
Interim Director

Attest/JKN